IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
W.P. No. 3935/2006
Kishore s/o Laxman Folane vs. The State of Maharashtra and others.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

CORAM : A.P. Lavande & R.V.More,JJ
DATE : 17.10.2007

Heard Mr. Gopal Mishra, learned counsel for the petitioner.

2. The petitioner who is Talathi by this petition challenges the order dated 4.7.2006 issued by the Sub Divisional Officer, Malkapur terminating his services on the ground that he is not entitled for protection in terms of Government Resolution dated 15.6.1995.

3. The petitioner was appointed on 17.11.1999 as Talathi. The petitioner was appointed on the post of Talathi which was reserved for Scheduled Tribe Category. The petitioner claimed that he belongs to Scheduled Tribe Koli Mahadeo. The petitioner's caste certificate was scrutinised by the Caste Scrutiny Committee. However, after hearing the petitioner, the Caste Scrutiny Committee by its order dated 27.1.2002 invalidated the petitioner's caste claim that he belongs to Koli Mahadeo. The petitioner thereafter preferred Writ Petition No. 891/2003 challenging the order

of the Caste Scrutiny Committee. However, the same was also dismissed by order dated 28.3.2003 with liberty to the petitioner to make representation to the Government for certain benefits of the Government Resolution dated 15.6.1995.

4. Petitioner's representation was rejected on 14.10.2005 pointing out that he is not entitled for the benefits of the Government Resolution dated 15.6.1995 and thereafter petitioner's services were terminated as stated by the order passed by the Sub Divisional Officer, Malkapur. There is no dispute that the petitioner was appointed on 17.1.1999 i.e. much after the Government Resolution dated 15.6.1995. Mr. Mishra, learned counsel for the petitioner does not dispute that this Resolution is applicable to the persons who have been appointed prior to the date of this Government Resolution dated 15.6.1995. The petitioner having been appointed in the year 1999 is not entitled for any protection. Therefore, we are of the considered view that the petition is devoid of any substance and as such is liable to be dismissed. Hence, the petition is dismissed with no order as to costs.

Judge **Judge**

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